



Planning Department

TOWN OF ACTON
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MEMORANDUM

To: Zoning Board of Appeals **Date:** January 28, 2016
From: Roland Bartl, AICP, Planning Director *R. B.*
Subject: Special Permit #16-01
55 Maple Street – Construction of Addition on Nonconforming Lot in Excess of 15%
(Zoning Bylaw Section 8.1.5)

Location: 55 Maple Street

Map/Parcel: H2A-26

Petitioner: Michael Schick

Owner: Chiara Bubin

Zoning: Residence 2 (R-2) & 100-Year Flood Zone (driveway and shed; not the house)

Existing Gross Floor Area of Dwelling: 1,352 ft²

15% Permitted by-right: 102.8 ft²

Proposed Square Feet of New Construction Requested: 1064 ft² (or 78.7%)

Hearing Date: February 1, 2016

Decision Due: May 1, 2016

Mrs. Bubin requests a Special Permit under Section 8.1.5 of the Zoning Bylaw to allow for the second-story expansion of an existing single family residential dwelling located on a non-conforming lot and to add a deck in the rear. The subject property is a nonconforming lot due to insufficient lot area (8,719 ft²; 20,000 ft² min.) and insufficient frontage (90'; 150' min.). Although the structure has a non-conforming front yard setback (19.7'; 30' min.), the proposed second story addition is a vertical extension which is allowed by-right under Zoning Bylaw Section 8.3.2. The replacement of the front steps with landing is allowed in the setback per Zoning Bylaw section 5.3.1.

The existing Gross Floor Area is noted above. Zoning Bylaw Section 8.1.4 allows for extensions or alterations by-right if they do not increase the overall size of the structure by more than 15% of the existing Gross Floor Area. The overall requested expansion in total exceeds this threshold, as noted above. Therefore, the proposed expansion requires a special permit under Section 8.1.5. All numbers are shown on the architectural plan.

The proposed addition meets rear and side yard setbacks as required under the Zoning Bylaw for the R-2 Zoning District and is a vertical extension of the existing non-conforming front yard setback. The Planning

Department has no objection to granting the requested special permit. The application was distributed for departmental review and comments on 01/06/16.

The Zoning Board of Appeals has the authority to grant the requested special permit under Bylaw Sections 8.1.5 and 10.3.5. If the special permit is granted, the decision should include findings, conditions and limitations as follows:

1. A clear indication of the allowed expansion in square feet and percent.
2. That any future additional expansion requires an amendment of the special permit (or a new special permit).
3. That the Petitioner must record the decision at the Middlesex South District Registry of Deeds or the Land Court prior to the issuance of a building permit on the site.
4. That all taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full before the issuance of a building permit.
5. That the special permit conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw.
6. That the Town of Acton may elect to enforce compliance with the special permit using any and all powers available to it under the law.
7. That other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by the decision.
8. That the Board reserves its right and power to modify or amend the terms and conditions of this special permit with or without a public hearing upon the request of the Applicant, its designees or assigns, or upon its own motion.